

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DR. MORGAN REYNOLDS on behalf of the	:
UNITED STATES OF AMERICA,	:
	:
Plaintiff/Relator,	:
	:
v.	:
	:
SCIENCE APPLICATIONS INTERNATIONAL	:
CORP.; APPLIED RESEARCH ASSOCIATES,	:
INC.; BOEING; NuSTATS; COMPUTER	:
AIDED ENGINEERING ASSOCIATES, INC.;	:
DATASOURCE, INC.; GEOSTAATS, INC.;	:
GILSANZ MURRAY STEFICEK LLP;	:
HUGHES ASSOCIATES, INC.; AJMAL	:
ARBASI; EDUARDO KAUSEL; DAVID	:
PARKS; DAVID SHARP; DANIELE	:
VENEZANO; JOSEF VAN DYCK; KASPAR	:
WILLIAM; ROLF JENSEN & ASSOCIATES,	:
INC.; ROSENWASSER/GROSSMAN	:
CONSULTING ENGINEERS, P.C.; SIMPSON	:
GUMPERTZ & HEGER, INC.; S.K. GHOSH	:
ASSOCIATES, INC.; SKIDMORE, OWINGS &	:
MERRILL, LLP; TENG & ASSOCIATES, INC.;	:
UNDERWRITERS LABORATORIES, INC.;	:
WILL, JANNEY, ELSTNER ASSOCIATES,	:
INC.; AMERICAN AIRLINES; SILVERSTEIN	:
PROPERTIES; and UNITED AIRLINES,	:
	:
Defendants.	:
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Index No.:
07-CV-04612 (GBD)

**REPLY DECLARATION OF
JASON HARRINGTON IN
FURTHER SUPPORT OF
GILSANZ MURRAY STEFICEK,
LLP’S MOTION TO DISMISS**

JASON HARRINGTON, an attorney duly admitted to practice law before the Courts of the State of New York and the Southern District of New York, declares pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the following statements are true and accurate:

1. I am associated with the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, attorneys for defendant GILSANZ MURRAY STEFICEK LLP (“Gilsanz”), and as such I am familiar with the facts set forth herein.

2. I respectfully submit this Reply Declaration in further support of Gilsanz's pre-answer motion to dismiss the *qui tam* Complaint of Plaintiff/Relator Dr. Morgan Reynolds ("Reynolds" or "Plaintiff"), pursuant to Fed. R. Civ. P. 9(b), 12(b)(1), 12(b)(6) and 12(h)(3), by joining, adopting and incorporating the moving and reply papers submitted by co-defendants Simpson Gumpertz & Heger, Inc. ("SGH") and Computer Aided Engineering Associates, Inc. ("CAE"). The moving papers were filed on October 5, 2007 and docketed as item number 23 under this Court's CM/ECF docket.

3. Gilsanz joins, adopts and incorporates SGH and CAE's motion on the same grounds as contained therein, and further submits that the *qui tam* Complaint lacks sufficient specificity attributable to Gilsanz. Reynolds' opposition, submitted on January 28, 2008, fail to allege any specific record, statement or other information by or from Gilsanz that evidences, or even alleges, any fraud on Gilsanz's part. In fact, Gilsanz is not even mentioned in the opposing affidavits or affirmations. It is painfully obvious that Reynolds' allegations, as against Gilsanz, and the other defendants, amount to a fishing expedition designed to obtain information from or against the National Institute of Standards and Technology ("NIST"). In essence, Reynolds alleges that, merely because defendants' names were mentioned in the NCSTAR1 report, issued by NIST, defendants must have committed some sort of fraud. Reynolds has made this allegation in conclusory, broad strokes as against and all defendants. Reynolds, however, has made no specific allegations of fraud as against Gilsanz, or any other party, and, as a result, Reynolds' claims should be dismissed.

4. For the reasons set forth herein, and within the motion and reply papers of SGH and CAE, Gilsanz respectfully requests that this Court dismiss Reynolds' *qui tam* Complaint, in its entirety and with prejudice, as against Gilsanz.

WHEREFORE, Gilsanz Murray Steficek LLP respectfully requests that this Court grant its motion to dismiss, together with such other and further relief as this Court deems just and appropriate.

Dated: New York, New York
February 29, 2008

Yours etc.,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: /s/ Jason Harrington
Jason Harrington (JH7273)
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To:

JERRY V. LEAPHART & ASSOCIATES, P.C.
Attn: Jerry V. Leaphart, Esq.
Attorneys for Plaintiff/Relator
8 West Street, Suite 203
Danbury, CT 06810

and

All appearing parties via CM/ECF

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of February 2008, I electronically filed the **REPLY DECLARATION**, on behalf of Defendant GILSANZ MURRAY STEFICEK LLP with the Clerk of the Court using the CM/ECF system which sends e-mail notification to appearing parties.

In addition, I further certify that on the 29th day of February 2008, I caused the **REPLY DECLARATION**, on behalf of Defendant GILSANZ MURRAY STEFICEK LLP, to be served via first class mail upon the following party:

JERRY V. LEAPHART & ASSOCIATES, P.C.
Attn: Jerry V. Leaphart, Esq.
Attorneys for Plaintiff/Relator
8 West Street, Suite 203
Danbury, CT 06810

By: /s/ Jason Harrington